

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 04995/121001	
		Application Number 10/688,558-Conf. #1170	Filed October 16, 2003
		First Named Inventor Hideaki Funakoshi et al.	
		Art Unit 2621	Examiner J. J. Atala
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,986</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34, _____</p>			
		<p><u>THOMAS SCHERER</u> #45,079 Signature Jonathan P. Osha Typed or printed name</p> <p>(713) 228-8600 Telephone number</p> <p>September 8, 2008 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Hideaki Funakoshi et al.

Application No.: 10/688,558

Confirmation No.: 1170

Filed: October 16, 2003

Art Unit: 2621

For: REPRODUCING APPARATUS AND  
REPRODUCING METHOD OF DIGITAL  
VIDEO INFORMATION

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Examiner: J. J. Atala

MS: AFTER FINAL  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR PRE-APPEAL REVIEW**

Claims 1-11 are pending in this application. Claims 1 and 6 are independent. The remaining claims depend, directly or indirectly, from claim 1 or 6. Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,787,225 issued to Honjo ("Honjo") in view of U.S. Patent No. 6,925,042 issued to Nakajo ("Nakajo") in further view of U.S. Patent No. 6,961,510 issued to Proidl ("Proidl") in further view of U.S. Patent No. 5,784,518 issued to Ogura ("Ogura"). Applicant respectfully traversed the rejection for the reasons set forth below.

**Ogura, Honjo, Nakajo, and Proidl fail to show or suggest at least “alternating with reproducing the compressed video and audio data in one of a normal speed and a two-fold speed,” as required by independent claims 1 and 6.**

Applicant respectfully asserts that Ogura, Honjo, Nakajo, and Proidl, whether considered separately or in combination, fail to show or suggest at least when high-speed reproduction is initiated, “*alternating with reproducing the compressed video and audio data in one of a normal speed and a two-fold speed,*” as required by independent claims 1 and 6.

In one or more embodiments of the claimed invention, when high-speed reproduction is initiated, video information previously recorded on a DVD is reproduced for a number of frames at the designated high-speed reproduction rate, followed by the reproduction of video information for a number of frames at a normal or two- fold reproduction rate. Reproduction according to one or more embodiments of the claimed invention is easier to understand for a user than standard high-speed reproduction (*see, e.g.,* Publication of the Specification, paragraphs [0028]-[0030] and [0047]-[0048]). Accordingly, independent claims 1 and 6 requires, in part, when high-speed reproduction is initiated, “*alternating with reproducing the compressed video and audio data in one of a normal speed and a two-fold speed.*”

In contrast, as admitted by the Examiner, Honjo, Nakajo, and Proidl fail to show or suggest the above limitation (*see* Office Action dated April 8, 2008, at page 6). Honjo simply teaches that a control unit 8 increases a rotation speed of an optical disk 1 by controlling a motor driving circuit 9 based on a received signals for high-speed reproduction (*see* Honjo, column 3, line 64 – column 4, line 2). Nakajo teaches a high-speed recording system. Nakajo is

completely silent with respect to high-speed reproduction as required by the claims. Proidl only teaches a reproduction device 1 simply choosing one speed for reproducing, according to a recording speed during a recordation of reproduction data on a tape (*see* Proidl, Abstract).

Further, Ogura fails to show or suggest at least the above limitation as required by independent claims 1 and 6. In fact, Ogura teaches a normal speed reproduction or a two-fold speed at intervals of predetermined frames or fields. Also, Ogura teaches a typical n-fold high speed reproduction (*see* Ogura, column 1, line 63 – column 2, line 46 and Figures 1 and 11-14). Thus, it is clear to a skilled artisan that the reproduction speed of Ogura is not switched between n-fold speed and one of a normal and two-fold speed regularly.

Specifically, Ogura teaches that images of continued N frames or N fields at intervals of M frames or M fields are displayed and that images of L frames or L fields as part of continued N frames or fields at intervals of M frames or M fields are displayed. For example, Figure 11 of Ogura shows images of frames or fields, 0, 1, 2, . . . 18, 19, 1000, 1001, 1002, . . . 1018, 1019, 2000, 2001, 2002, . . . 2018, 2019, 3000 . . . are displayed. Also, Figures 13(a) of Ogura shows images of frames or fields, 0, 2, . . . 18, 1000, 1002, . . . 1018, 2000, 2002, . . . 2018, . . . are displayed (*see* Ogura, column 1, line 63 – column 2, line 46 and Figures 11 and 13(a)). Thus, it is clear to a skilled artisan that Ogura teaches a normal speed reproduction or a two-fold speed at intervals of predetermined frames or fields and that the reproduction speed of Ogura is not switched between n-fold speed and one of a normal and two-fold speed regularly.

Accordingly, Ogura necessarily cannot show or suggest at least when high-speed reproduction is initiated, “*alternating with reproducing the compressed video and audio data in one of a normal speed and a two-fold speed*,” as required by independent claims 1 and 6.

**The Examiner is ignoring the plain meaning of “alternating.”**

In contrast to the Examiner’s assertion in the Office Action dated April 8, 2008, at pages 3 and 6, it is clear to a skilled artisan that mere increasing a speed of a reproduction as taught by Ogura does not correspond to *alternating* between one speed and another speed during high-speed reproduction. As explained above, the instant Specification describes that when high-speed reproduction is initiated, the video information is reproduced while switching between at the designated high-speed reproduction rate and at a normal or two-fold reproduction rate *regularly*. Also, according to the dictionary definition, the meaning of the term “alternate” is “happening or following one after the other *regularly*.” The MPEP 2111.01 makes it clear that “during examination the USPTO must give claims their broadest *reasonable* interpretation *in light of the specification*” and that “the words of the claim must be given their *plain meaning*.”

Ogura teaches that frames are reproduced *selectively at a fixed speed*. Specifically, Ogura teaches that when a user selects the 50-fold speed reproduction, the reproduction speed is fixed at the 50-fold speed. In order to change the reproduction speed to the 100-fold speed, a user has to select the 100-fold speed reproduction (*see* Ogura, column 7, lines 17-58 and Figures 11-13(a) and (b)). Therefore, Ogura is completely silent with respect to when high-speed reproduction is initiated, “*alternating with reproducing the compressed video and audio data in one of a normal speed and a two-fold speed*,” as required by independent claims 1 and 6.

**Conclusion**

In view of above, Ogura, Honjo, Nakajo, and Proidl, whether considered separately or in combination, fail to show or suggest at least when high-speed reproduction is initiated, *"alternating with reproducing the compressed video and audio data in one of a normal speed and a two-fold speed,"* as required by independent claims 1 and 6. Thus, independent claims 1 and 6 are patentable over Ogura, Honjo, Nakajo, and Proidl. Dependent claims are allowable for at least same reasons. Thus, Applicant respectfully requests the panel withdraw the Examiner's rejections. Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. Please apply any charges not covered, or any credits, to Deposit Account 50-0591, Reference No. 04995/121001.

Dated: September 8, 2008

Respectfully submitted,

By: 

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